

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
Minutes of the Monthly Meeting
1401 Rockville Pike, 5th Floor, Rockville, MD 20850
February 6, 2019

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:40 pm by Chairman Mark Fine. The delayed start time was necessitated by Commissioners participating in Ethics Training.

Commissioners present: BURROWS, ETHIER, FINE, FISHBEIN, GARDNER, GELFOUND, MALAMUD, MYO KHIN, STEINBACH, VINEY, & WINEGAR

Commissioners absent: Oxendine, Perper, Valley

Staff present: Walter Wilson, Associate County Attorney; Ife Fabayo, Staff

Guests: Ben Smith & Michael Gibson [Crest of Wickford], JoEllen Bilanin & Ginger Naglee [Tanterra], Heather Kenney [Cherington Condo], and Gabriel Jenkins

1. **Minutes approved:** Commissioner Burrows moved to approve the minutes of the January 9, 2019 monthly meeting as presented and amended, Commissioner Myo Khin seconded. The motion was adopted, Commissioner Gelfound abstained.
2. **Community Forum: NO COMMENTS**
3. **Jurisdiction - Default cases:**

#2019-024, Dereje Gizaw v. Seneca Forest Community Association: Commissioner Burrows moved to accept jurisdiction and refer the case to a default hearing, Commissioner MyoKhin seconded. The motion was adopted.

#2019-033, Fox Chapel North Homes Association v. Edwin Baldomar: Commissioner Gardner moved to accept jurisdiction and refer the case to a default hearing, Commissioner Malamud seconded. The motion was adopted.
4. **Jurisdiction - Contested cases:**

#2019-019, Weinrich v. Tanterra HOA: Commissioner Viney moved to accept jurisdiction and refer the case to a hearing panel, Commissioner Fishbein seconded. The motion was adopted, Commissioner Fine abstained.
5. **D&Os Issued:** #2018-099, Zlotchenko v. DuFief Homes Association: Commissioner Fine related that the Complainant in this case tried to contact the mediator for advice and assistance, despite the decision and order being rendered and the case being closed. The mediator did not return Complainant's call, but contacted Commissioner Fine. A letter will be sent to the Complainant advising him to stop pursuing his complaint.
6. **D&O on Appeal:** #2018-037 Hypolite v. Longmead Crossing HOA
7. **County Attorney's report:** Decision & Order for Pearce v. Mutual 8 under review.
8. **DHCA Staff report:** Monthly data report for February 2019 available on Team-Up.

9. **Chair's report:**

Commissioners' financial disclosures are due by April 15th;

Call for new commissioners on Paperless Airplane [Commissioners Fine & Perper up for re-appointment];

Chair to appoint ad hoc committee to come up with language describing Commission's process for hearing of multiple complaints from same association on same issues, with a submission expected at next month's meeting;

Chair asked for volunteers to assist associations needing hands-on training in association management, budgeting, setting up their board, how to enforce their bylaws, etc. Discussion followed over role of the Commission interacting with associations. There was no resolution.

10. **Committee reports:**

E&O Committee meetings: 4th Tuesday 3:00-4:30pm

Legislative Committee meetings: 4th Tuesday 4:30-6:00pm

Education Committee [Commissioner Viney, Chair]:

- a) CAI Expo: CCOC will be represented by Mark Fine, Kathy Viney, David Gardner, Aimee Winegar
- b) Galia: Developing "How to Hold an Election"
- c) Board Training & Bookkeeping 101 presentations set for first quarter 2019
- d) Terms for training & approval of instructors: Commissioners given opportunity to comment, make suggestions, edits, etc.

Legislative Committee [Commissioner Gardner, Chair]:

- a) January 22 meeting next Feb 26;
- b) Reviewed two bills: HB68 includes a clause requiring arbitration – CCOC will recommend no; HB69 expands area under implied warranty – CCOC will recommend monitor/yes;
- c) Proposed changes to 10B to be discussed at next meeting.

Process & Procedures Committee [Commissioner Ethier, Chair]: no report

IT Committee: New Commissioners who need instruction on using case management system or readers should contact Mike Burrows to set up training.

11. **Old business:** The Chair noted that complaints involving commissioners are to be sent to OZAH for hearing. (A Commissioner has filed a complaint against his association.) Discussion followed, with Commissioner Viney noting that the policy gives the Commission the *option*, and Commissioner Gardner making the point that the Commission is better qualified than OZAH and commissioners are capable of hearing a complaint without conflict.

Commissioner Gelfound moved to affirm the Chair's recommendation to the County Executive, seconded by Commissioner Ethier, i.e. "On their own initiative Commissioners resolved to support Chairman Mark Fine's recommendation to remove the Commissioner from the Commission for cause". The motion passed by a majority vote, Commissioners Fine, Myo Khin, and Malamud abstained.

12. New business:

- a) Commissioner Winegar asked for opinions regarding associations holding discussions, in closed meetings or by e-mail, in order to gain information, ask questions, etc. but where no decision or vote is taken. The Chair suggested commissioners opine by email and Commissioner Winegar can report at next meeting.
- b) Proposed ZTA on accessory dwelling units – to be added to Legislative Committee agenda for discussion
- c) Commissioner Winegar brought up an issue on behalf of Vicki Vergagni: Sprinkler systems for fire alarms in condos must be permitted (but not inspected) annually. Permitting Services plan to increase the cost of these permits by requiring a permit per building v. permit per community. Commissioner Winegar proposed that the CCOC to write a letter to Permitting Services opposing the increase in costs for permitting, motion seconded by Commissioner Burrows, and passed by unanimous vote.

13. Meeting adjourned at 9:27pm

Next meeting Wednesday, MARCH 6, 2018 at 7:00pm

Submitted by Kathy Viney,
Recording Secretary